



April 12, 2016

Dear Mr. Zaiger,

As you know, I just received the Notice of Violation regarding The Lakes today due to the notice being sent to the incorrect address; therefore I am continuing the appeal process.

On behalf of Havencrest Homes, I would like to appeal the fine regarding the water drain into the pond at 3497 Roudebush Way, based on the following extenuating factors:

We excavated and installed the foundation, and then backfilled and had a rough grade on our lot, however, Langston (the developer) was still working on the pond and lot behind the house and their finished grade ended up being higher than our rough grade. We did not know that the developer's grade was higher than ours at the back of the house until the concrete subcontractor went to put the back patio in and needed to drain the back of the lot due to standing water. He thought he was being helpful by cutting a trench in the hump in the back to drain the yard.

We would like to point out that the pond is still being built / excavated and the water released was not going into a clean pond; rather a pond that was sediment laden already. The circumference of the pond itself is dirt and you can see that all runoff into the pond is essentially carrying sediment.

The water that was discharged was water that would have ended up in the pond regardless had the yard been graded to accommodate positive drainage away from the house.

We are not aware of any clean up that was initiated on the part of the City of Westfield because it was water released into water. We had the fence repaired.

We ask for a little leniency given that the pond is under construction and is currently being dug up at the east end with the entire perimeter being mud/sediment. We feel a \$1000 fine is a bit excessive and plea for a reduced fine.

Thank you for your time and consideration,

Marcy Lewis
Havencrest Homes